

ESTTA Tracking number: **ESTTA767981**

Filing date: **08/31/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | International IP Holdings, LLC |
| Granted to Date of previous extension | 09/21/2016 |
| Address | 39533 WOODWARD AVENUE, STE. 318 BLOOMFIELD HILLS, MI 48304 UNITED STATES |
| Attorney information | Christopher W. Schneider Oakland Law Group, PLLC 38955 Hills Tech Drive Farmington Hills, MI 48331 UNITED STATES cschneider@oaklandlawgroup.com, phoffer@oaklandlawgroup.com, rbon-dra@oaklandlawgroup.com |

Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 86582197 | Publication date | 05/24/2016 |
| Opposition Filing Date | 08/31/2016 | Opposition Period Ends | 09/21/2016 |
| Applicant | Laboratorios Pisa, S.A. De C.V. AV. Espana 1840, Colonia Moderna Guadalajara, C.P.44190 MEXICO | | |

Goods/Services Affected by Opposition


Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: oral rehydration beverages, namely, beverages containing electrolytes

Grounds for Opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act Section 2(d) |
|--------------------------------------|----------------------------|

Mark Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3698044 | Application Date | 01/06/2009 |
| Registration Date | 10/20/2009 | Foreign Priority Date | NONE |
| Word Mark | NONE | | |

| | |
|---------------------|--|
| Design Mark |  |
| Description of Mark | The mark consists of a running man design. |
| Goods/Services | Class 005. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 DIETARY SUPPLEMENTS Class 032. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 ENERGY SHOTS, NAMELY, ENERGY DRINKS |

| | |
|-------------|---|
| Attachments | 77643731#TMSN.png(bytes) ELectro Life - Notice of Opp - 31 Aug16.pdf(3156879 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|--------------------------|
| Signature | /cwschneider/ |
| Name | Christopher W. Schneider |
| Date | 08/31/2016 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

International IP Holdings, LLC,

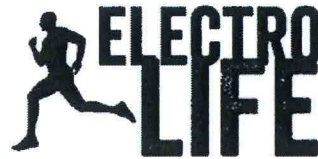
Opposer,

v.

Laboratorios Pisa, S.A. De C.V.,

Applicant.

Mark: ELECTRO LIFE and
Running Man Design



Serial No.: 86/582,197


Opposition No. _____

NOTICE OF OPPOSITON

Opposer, International IP Holdings, LLC, by and through its attorneys, Oakland Law Group, PLLC, believes it will be damaged by the registration of the mark ELECTRO LIFE and Running Man Design, U.S. Trademark Application No. 86/582,197, owned by Laboratorios Pisa, S.A. De C.V., and hereby opposes the application in accordance with the Trademark Act of 1946, 15 USC §1063. In support of its opposition, opposer alleges as follows:

1. Opposer, International IP Holdings, LLC ("IIPH"), is a Michigan Limited Liability Company with an address of 39533 Woodward Avenue, Ste. 318, Bloomfield Hills, Michigan 48304.

2. On information and belief, Applicant, Laboratorios Pisa, S.A. De C.V. ("Applicant"), is a Mexican corporation located at AV. Espana 1840, Colonia Moderna, Guadalajara, Mexico C.P.44190.

3. IIPH is the owner of the incontestable Running Man Design registration , US Reg. No. 3,698,044 (“Running Man Mark”) for use with *dietary supplements* in Class 5; and *energy shots, namely, energy drinks* in Class 32. Attached hereto as **Group Exhibit A** is a copy of current USPTO database records (through TSDR) establishing the current status and title of IIPH’s trademark registration for the Running Man Mark.

4. IIPH’s Running Man Mark has been continuously used in interstate commerce since at least as early as September 2004 in connection with its energy shots.

5. There have been substantial product sales under the Running Man Mark with sales in over 100,000 retail locations throughout the United States. Since 2004, sales of the 5-HOUR ENERGY products total over 2 billion units.

6. Through continuous use and registration, the Running Man Mark has developed substantial goodwill.

7. The Running Man Mark is extensively and prominently advertised in numerous media, including high-profile publications and national network television.

8. IIPH’s exclusive licensee engages in a variety of other promotional activities to market its goods. For example, it has sponsored: NASCAR driver Clint Bowyer; PGA touring professional Jim Furyk; retired baseball and football player Bo Jackson; the NASCAR Nationwide series race “5-hour ENERGY 200”; ESPN

television coverage of college basketball and football, sport highlights, and the Baseball Tonight show; Big Ten Network coverage of college football and basketball; NASCAR television broadcasts and race highlights; the Detroit Tigers, Detroit Red Wings, Detroit Lions and numerous professional team and league broadcast affiliates.

9. On March 31, 2015, Applicant filed an intent-to-use based trademark application for the mark ELECTRO LIFE and Running Man Design in International Class 32 for use with *oral rehydration beverages, namely, beverages containing electrolytes* (“Applicant’s Mark”). The USPTO assigned the application United States Serial Number 86/582,197 (“Application ‘197”).

Opposer’s Mark



Applicant’s Mark



Count I
Likelihood of Confusion

10. IIPH reasserts and incorporates Paragraphs 1 through 9 as if fully set forth herein.

11. Application ‘197 seeks registration for use with goods highly related to those covered by the IIPH’s registration for the Running Man Mark.

12. On information and belief, Applicant's goods will be offered through the same channels-of-trade and to the same class of purchasers who purchase IIPH's goods.

13. The Running Man Mark was in use and registered before Applicant filed Application '197.

14. Through continuous and pervasive use, the Running Man Mark has become important, famous, and recognized brands that embody valuable goodwill.

15. Customers and potential customers are likely to believe that Applicant's goods offered under Applicant's Mark emanate from, or are affiliated, licensed or approved by, IIPH when that is not the case

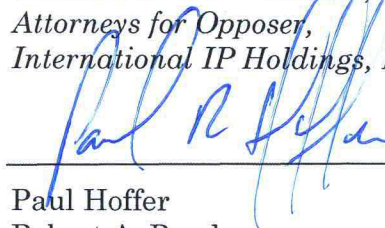
16. IIPH will be damaged by the registration of Applicant's Mark because, Applicant's Mark, used in connection with the goods identified in Application '197, is likely to cause confusion, mistake, or deceive the relevant consuming public in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

17. Furthermore, any defect, objection, or fault found with Applicant's goods sold under Applicant's Mark necessarily reflects upon and seriously injures the reputation and goodwill associated with the IIPH Marks.

WHEREFORE, for the reasons stated above, Opposer, International IP Holdings, LLC, respectfully requests that the Trademark Trial and Appeal Board sustain this opposition, refuse registration of U.S. Application No. 86/582,197 for

the mark ELECTRO LIFE and Running Man Design in International Class 32,
and for such further relief as this Honorable Board deems appropriate.

Respectfully submitted,
OAKLAND LAW GROUP, PLLC
Attorneys for Opposer,
International IP Holdings, LLC



Date: August 31, 2016

Paul Hoffer
Robert A. Bondra
Christopher W. Schneider
38955 Hills Tech Drive
Farmington Hills, Michigan 48331
Tel. (248) 536-0795
Fax (248) 536-1848

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that on this 31st day of August, 2016, a true copy of the foregoing **Notice of Opposition** is being served on the following Counsel of Record via First Class Mail:

Cheryl L. Burbach, Esq.
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

OAKLAND LAW GROUP, PLLC



Paul Hoffer

38955 Hills Tech Drive
Farmington Hills, Michigan 48331
Tel. (248) 536-0795
Fax (248) 536-1848

*Attorneys for Opposer, International IP
Holdings, LLC*

Group Exhibit A

Generated on: This page was generated by TSDR on 2016-08-31 15:51:40 EDT

Mark:



US Serial Number: 77643731

Application Filing Date: Jan. 06, 2009

US Registration Number: 3698044

Registration Date: Oct. 20, 2009

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Dec. 23, 2014

Publication Date: Aug. 04, 2009

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a running man design.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
02.09.05 - Humans, including men, women and children, depicted running; Running, humans

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: DIETARY SUPPLEMENTS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2004

Use in Commerce: Sep. 2004

For: ENERGY SHOTS, NAMELY, ENERGY DRINKS

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2004

Use in Commerce: Sep. 2004

Basis Information (Case Level)

| | | |
|---------------------------|-------------------------------|------------------------|
| Filed Use: Yes | Currently Use: Yes | Amended Use: No |
| Filed ITU: No | Currently ITU: No | Amended ITU: No |
| Filed 44D: No | Currently 44D: No | Amended 44D: No |
| Filed 44E: No | Currently 44E: No | Amended 44E: No |
| Filed 66A: No | Currently 66A: No | |
| Filed No Basis: No | Currently No Basis: No | |

Current Owner(s) Information

Owner Name: INNOVATION VENTURES, LLC

Owner Address: 38955 Hills Tech Drive
Farmington Hills, MICHIGAN 48331
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert A. Bondra

Docket Number: 0914.2020

Attorney Primary Email Address: rbondra@oaklandlawgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Robert A. Bondra
Oakland Law Group, PLLC
38955 Hills Tech Drive
Farmington Hills, MICHIGAN 48331
UNITED STATES

Phone: 248-536-0806

Fax: 248-536-1858

Correspondent e-mail: rbondra@oaklandlawgroup.com phoffer@oaklandlawgroup.com cschneider@oaklandlawgroup.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Dec. 23, 2014 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED | |
| Dec. 23, 2014 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 68335 |
| Dec. 23, 2014 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 68335 |
| Dec. 03, 2014 | TEAS SECTION 8 & 15 RECEIVED | |
| Aug. 15, 2012 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY | |
| Aug. 08, 2012 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY | |
| Jul. 02, 2010 | ATTORNEY REVOKED AND/OR APPOINTED | |
| Jul. 02, 2010 | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | |
| Oct. 20, 2009 | REGISTERED-PRINCIPAL REGISTER | |
| Aug. 04, 2009 | PUBLISHED FOR OPPOSITION | |
| Jul. 15, 2009 | NOTICE OF PUBLICATION | |
| Jul. 02, 2009 | APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED | 88888 |
| Jul. 02, 2009 | TEAS CHANGE OF OWNER ADDRESS RECEIVED | |
| Jun. 27, 2009 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 76568 |
| Jun. 25, 2009 | ASSIGNED TO LIE | 76568 |
| Jun. 20, 2009 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jun. 19, 2009 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Jun. 19, 2009 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |

Jun. 19, 2009 TEAS RESPONSE TO OFFICE ACTION RECEIVED
Mar. 23, 2009 NON-FINAL ACTION MAILED
Mar. 23, 2009 NON-FINAL ACTION WRITTEN
Mar. 22, 2009 ASSIGNED TO EXAMINER
Jan. 10, 2009 NOTICE OF DESIGN SEARCH CODE MAILED
Jan. 09, 2009 NEW APPLICATION ENTERED IN TRAM

76503
76503

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Dec. 23, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: INNOVATION VENTURES, LLC

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4284/0357](#)

Pages: 8

Date Recorded: Sep. 27, 2010

Supporting Documents: [assignment-tm-4284-0357.pdf](#)

Assignor

Name: [INNOVATION VENTURES, LLC](#)

Execution Date: Sep. 24, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Assignee

Name: [FIFTH THIRD BANK, AS AGENT](#)

Legal Entity Type: BANKING CORPORATION

State or Country Where Organized: OHIO

Address: 38 FOUNTAIN SQUARE PLAZA
CINCINNATI, OHIO 45263

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: RELEASE OF TRADEMARKS

Reel/Frame: [4835/0200](#)

Pages: 8

Date Recorded: Aug. 03, 2012

Supporting Documents: [assignment-tm-4835-0200.pdf](#)

Assignor

Name: [FIFTH THIRD BANK](#)

Execution Date: Aug. 02, 2012

Legal Entity Type: BANKING CORPORATION

State or Country Where Organized: UNITED STATES

Assignee**Name:** [INNOVATION VENTURES, LLC](#)**Legal Entity Type:** LLC**State or Country Where Organized:** UNITED STATES**Address:** 38955 TECH DRIVE
FARMINGTON HILLS, MICHIGAN 48331**Correspondent****Correspondent Name:** JENNIFER RIEHL, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET
CAHILL GORDON & REINDEL
NEW YORK, NY 10005**Domestic Representative - Not Found****Assignment 3 of 5****Conveyance:** ASSIGNMENT**Reel/Frame:** [4836/0516](#)**Pages:** 48**Date Recorded:** Aug. 06, 2012**Supporting Documents:** [assignment-tm-4836-0516.pdf](#)**Assignor****Name:** [INNOVATION VENTURES, LLC](#)**Execution Date:** Aug. 02, 2012**Legal Entity Type:** MICHIGAN LIMITED LIABILITY COMPANY**State or Country Where Organized:** UNITED STATES**Assignee****Name:** [INTERNATIONAL IP HOLDINGS LLC](#)**Legal Entity Type:** LLC**State or Country Where Organized:** UNITED STATES**Address:** 39533 WOODWARD AVENUE, STE. 318
BLOOMFIELD HILLS, MICHIGAN 48331**Correspondent****Correspondent Name:** JENNIFER RIEHL, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET
CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005**Domestic Representative - Not Found****Assignment 4 of 5****Conveyance:** TRADEMARK SECURITY AGREEMENT**Reel/Frame:** [4837/0885](#)**Pages:** 8**Date Recorded:** Aug. 07, 2012**Supporting Documents:** [assignment-tm-4837-0885.pdf](#)**Assignor****Name:** [INTERNATIONAL IP HOLDINGS, LLC](#)**Execution Date:** Aug. 02, 2012**Legal Entity Type:** MICHIGAN LIMITED LIABILITY COMPANY**State or Country Where Organized:** UNITED STATES**Assignee****Name:** [WELLS FARGO BANK, NA, AS NOTES COLLATERAL AGENT](#)**Legal Entity Type:** NATIONAL ASSOCIATION**State or Country Where Organized:** UNITED STATES**Address:** MAC N9311-110, 625 MARQUETTE AVENUE
MINNEAPOLIS, MINNESOTA 55479**Correspondent****Correspondent Name:** JENNIFER RIEHL, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET
CAHILL GORDON & REINDEL LLP

NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [5025/0249](#)

Pages: 8

Date Recorded: May 10, 2013

Supporting Documents: [assignment-tm-5025-0249.pdf](#)

Assignor

Name: [INTERNATIONAL IP HOLDINGS, LLC](#)

Execution Date: May 08, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Assignee

Name: [THE HUNTINGTON NATIONAL BANK](#)

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 801 WEST BIG BEAVER
TROY, MICHIGAN 48084

Correspondent

Correspondent Name: ANGELA ALVAREZ SUJEK - BODMAN PLC

Correspondent Address: 201 SOUTH DIVISION, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: [91221004](#)

Filing Date: Mar 11, 2015

Status: Awaiting Expiration of Appeal Period

Status Date: Mar 11, 2015

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Tom Miles

Correspondent Address: WENDY PETERSON
NOT JUST PATENTS LLC
PO BOX 18716
MINNEAPOLIS MN , 55418
UNITED STATES

Correspondent e-mail: wsp@NJPLS.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|------|---|--------------------------|---------------------|
| REAL | Abandoned - After Inter-Partes Decision | 86138010 | |

Plaintiff(s)

Name: International IP Holdings, LLC

Correspondent Address: CHRISTOPHER W SCHNEIDER
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE
FARMINGTON HILLS MI , 48331
UNITED STATES

Correspondent e-mail: cschneider@oaklandlawgroup.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--|--|--------------------------|-------------------------|
| ENERGY HOUR 5 ENERGY HOUR 5 ENERGY HOUR 5 5-HOUR ENERGY EXTRA STRENGTH 5-HOUR ENERGY | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |
| | Registered | 85124847 | 3940928 |
| | Registered | 85125017 | 3940929 |
| | Registered | 85131851 | 3940946 |
| | Registered | 85255911 | 4134079 |
| | Registered | 85132391 | 4120361 |
| | Registered | 85132321 | 4120360 |
| | Registered | 85132099 | 4116951 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007326 | 3876785 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007217 | 3876771 |
| | Registered | 85319463 | 4315511 |
| | Registered | 86116725 | 4677405 |

| Prosecution History | | | |
|---------------------|---|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Mar 11, 2015 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 11, 2015 | Apr 20, 2015 |
| 3 | PENDING, INSTITUTED | Mar 11, 2015 | |
| 4 | ANSWER AND COUNTERCLAIM (FEE) | Apr 13, 2015 | |
| 5 | D CHANGE OF CORRESP ADDRESS | Apr 13, 2015 | |
| 6 | TRIAL DATES SET | Apr 21, 2015 | |
| 7 | P MOT TO STRIKE | May 15, 2015 | |
| 8 | ANSWER TO COUNTERCLAIM | May 15, 2015 | |
| 9 | P'S MTN TO STRIKE GRANTED; TRIAL DATES RESET | Jun 16, 2015 | |
| 10 | P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS | Aug 03, 2015 | |
| 11 | SUSPENDED | Aug 03, 2015 | |
| 12 | W/DRAW OF APPLICATION | Sep 22, 2015 | |
| 13 | BD DECISION: SUSTAINED | Sep 28, 2015 | |
| 14 | TRIAL DATES RESET (COUNTERCLAIM ONLY) | Feb 26, 2016 | |
| 15 | D NOTICE OF RELIANCE | Jul 25, 2016 | |
| 16 | D NOR & EXS B - J | Jul 25, 2016 | |

Type of Proceeding: Opposition

Proceeding Number: [91218484](#)

Filing Date: Sep 23, 2014

Status: Pending

Status Date: Sep 23, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Tom Miles dba Real Energy

Correspondent Address: WENDY PETERSON
NOT JUST PATENTS LLC
PO BOX 18716
MINNEAPOLIS MN , 55418
UNITED STATES

Correspondent e-mail: wsp@NJPLS.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--|--------------------|--------------------------|---------------------|
| RE REAL ENERGY REAL FOOD . . .FOR REALLY BUSY PEOP | Opposition Pending | 86049631 | |

Plaintiff(s)

Name: International IP Holdings, LLC

Correspondent Address: CHRISTOPHER WILLIAM SCHNEIDER
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE
FARMINGTON HILLS MI , 48331

UNITED STATES

Correspondent e-mail: cschneider@oaklandlawgroup.com , trademarks@oaklandlawgroup.com

| Associated marks | | | |
|------------------------------|--|--------------------------|-------------------------|
| Mark | Application Status | Serial Number | Registration Number |
| 5-HOUR ENERGY | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007217 | 3876771 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007326 | 3876785 |
| | Registered | 85124847 | 3940928 |
| | Registered | 85125017 | 3940929 |
| 5-HOUR ENERGY EXTRA STRENGTH | Registered | 85131851 | 3940946 |
| ENERGY HOUR 5 | Registered | 85132099 | 4116951 |
| ENERGY HOUR 5 | Registered | 85132321 | 4120360 |
| ENERGY HOUR 5 | Registered | 85132391 | 4120361 |
| ENERGY HOUR 5 | Registered | 85255911 | 4134079 |
| | Registered | 85319463 | 4315511 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Sep 23, 2014 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Sep 23, 2014 | Nov 02, 2014 |
| 3 | PENDING, INSTITUTED | Sep 23, 2014 | |
| 4 | D MOT FOR EXT W/ CONSENT | Oct 16, 2014 | |
| 5 | EXTENSION OF TIME GRANTED | Oct 16, 2014 | |
| 6 | D MOT TO SUSPEND | Nov 18, 2014 | |
| 7 | TRIAL DATES REMAIN AS SET | Nov 24, 2014 | |
| 8 | ANSWER | Dec 12, 2014 | |
| 9 | CHANGE OF CORRESP ADDRESS | Dec 23, 2014 | |
| 10 | D APPEARANCE / POWER OF ATTORNEY | Dec 23, 2014 | |
| 11 | D MOT TO REOPEN DISCOVERY | Dec 28, 2014 | |
| 12 | D MOT TO CONSOLIDATE | Dec 28, 2014 | |
| 13 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Dec 28, 2014 | |
| 14 | CONSOLIDATED - CHILD OF 91216399 | Feb 10, 2015 | |

Type of Proceeding: Opposition

Proceeding Number: [91216399](#)

Filing Date: May 14, 2014

Status: Pending

Status Date: May 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Tom Miles DBA Real Energy

Correspondent Address: WENDY PETERSON
NOT JUST PATENTS LLC
PO BOX 18716
MINNEAPOLIS MN , 55418
UNITED STATES

Correspondent e-mail: wsp@NJPLS.com

| Associated marks | | | |
|------------------|--------------------|--------------------------|---------------------|
| Mark | Application Status | Serial Number | Registration Number |
| RE | Opposition Pending | 85938514 | |

Plaintiff(s)

Name: International IP Holdings, LLC

Correspondent Address: CHRISTOPHER W SCHNEIDER
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE

FARMINGTON HILLS MI , 48331
UNITED STATES

Correspondent e-mail: cschneider@oaklandlawgroup.com , rbondra@oaklandlawgroup.com , trademarks@oaklandlawgroup.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--|--|--------------------------|-------------------------|
| ENERGY HOUR 5 ENERGY HOUR 5 ENERGY HOUR 5 5-HOUR ENERGY EXTRA STRENGTH 5-HOUR ENERGY | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |
| | Registered | 85124847 | 3940928 |
| | Registered | 85125017 | 3940929 |
| | Registered | 85131851 | 3940946 |
| | Registered | 85255911 | 4134079 |
| | Registered | 85132391 | 4120361 |
| | Registered | 85132321 | 4120360 |
| | Registered | 85132099 | 4116951 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007326 | 3876785 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007217 | 3876771 |
| | Registered | 85319463 | 4315511 |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|--|--------------|--------------|
| 1 | FILED AND FEE | May 14, 2014 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | May 14, 2014 | Jun 23, 2014 |
| 3 | PENDING, INSTITUTED | May 14, 2014 | |
| 4 | STIP FOR EXT | Jun 19, 2014 | |
| 5 | EXTENSION OF TIME GRANTED | Jun 19, 2014 | |
| 6 | D MOT TO STRIKE | Jul 23, 2014 | |
| 7 | D MOT TO STRIKE | Jul 23, 2014 | |
| 8 | P OPP/RESP TO MOTION | Aug 06, 2014 | |
| 9 | SUSP PEND DISP OF OUTSTNDNG MOT | Sep 03, 2014 | |
| 10 | TRIAL DATES RESET | Nov 20, 2014 | |
| 11 | CHANGE OF CORRESP ADDRESS | Dec 23, 2014 | |
| 12 | D APPEARANCE / POWER OF ATTORNEY | Dec 23, 2014 | |
| 13 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Dec 28, 2014 | |
| 14 | ANSWER AND COUNTERCLAIM (FEE) | Dec 28, 2014 | |
| 15 | CONSOLIDATION ORDER | Feb 10, 2015 | |
| 16 | P MOT TO STRIKE AFF DEFENSES (CHILD) | Feb 25, 2015 | |
| 17 | P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B) | Mar 12, 2015 | |
| 18 | P MOT TO STRIKE AFF DEFENSES (PARENT) | Mar 12, 2015 | |
| 19 | D MOT TO AMEND ANS (CHILD) | Mar 16, 2015 | |
| 20 | D MOT TO AMEND ANS/CC (PARENT) | Mar 31, 2015 | |
| 21 | P MOT TO STRIKE (CHILD) | Apr 10, 2015 | |
| 22 | P MOT TO DISMISS AND STRIKE (PARENT) | Apr 20, 2015 | |

Type of Proceeding: Opposition

Proceeding Number: [91200249](#)

Filing Date: Oct 24, 2013

Status: Terminated

Status Date: Oct 20, 2015

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Gunther Ballweber

Correspondent Address: PHILIP R BAUTISTA
TAFT STETTINIUS & HOLLISTER LLP
200 PUBLIC SQUARE, SUITE 3500
CLEVELAND OH , 44114-2302
UNITED STATES

Correspondent e-mail: efsttaps@taftlaw.com , pbautista@taftlaw.com , kswedo@taftlaw.com , bautista@taftlaw.com , esleva@taftlaw.com

| Associated marks | | | |
|------------------|---|--------------------------|---------------------|
| Mark | Application Status | Serial Number | Registration Number |
| G10HR | Abandoned - After Inter-Partes Decision | 77949528 | |
| Plaintiff(s) | | | |

Name: Innovation Ventures, LLC

Correspondent Address: RICHARD W HOFFMAN
REISING ETHINGTON PC
755 WEST BIG BEAVER ROAD SUITE 1850, PO BOX 4390
TROY MI , 48099-4390
UNITED STATES

Correspondent e-mail: hoffmann@reising.com , becker@reising.com

| Associated marks | | | |
|------------------|--|--------------------------|-------------------------|
| Mark | Application Status | Serial Number | Registration Number |
| | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Jun 15, 2011 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jun 15, 2011 | Jul 25, 2011 |
| 3 | PENDING, INSTITUTED | Jun 15, 2011 | |
| 4 | ANSWER | Jul 25, 2011 | |
| 5 | CHANGE OF CORRESPONDENCE ADDRESS | Aug 31, 2011 | |
| 6 | APPEARANCE | Nov 29, 2011 | |
| 7 | STIPULATION FOR AN EXTENSION OF TIME | Jan 17, 2012 | |
| 8 | EXTENSION OF TIME GRANTED | Jan 17, 2012 | |
| 9 | STIPULATION FOR AN EXTENSION OF TIME | Feb 20, 2012 | |
| 10 | EXTENSION OF TIME GRANTED | Feb 20, 2012 | |
| 11 | STIPULATION FOR AN EXTENSION OF TIME | Apr 16, 2012 | |
| 12 | EXTENSION OF TIME GRANTED | Apr 16, 2012 | |
| 13 | P'S MOTION FOR AN EXTENSION OF TIME | May 18, 2012 | |
| 14 | CHANGE OF CORRESPONDENCE ADDRESS | Jun 04, 2012 | |
| 15 | STIPULATION FOR AN EXTENSION OF TIME | Jun 07, 2012 | |
| 16 | EXTENSION OF TIME GRANTED | Jun 12, 2012 | |
| 17 | P'S NOTICE OF EXPERT DISCLOSURES | Jun 20, 2012 | |
| 18 | SUSPENDED PENDING DISP OF OUTSTNDNG MOT | Jul 06, 2012 | |
| 19 | PROCEEDINGS RESUMED | Sep 21, 2012 | |
| 20 | STIPULATION FOR AN EXTENSION OF TIME | Oct 15, 2012 | |
| 21 | EXTENSION OF TIME GRANTED | Oct 15, 2012 | |
| 22 | STIPULATION FOR AN EXTENSION OF TIME | Nov 13, 2012 | |
| 23 | EXTENSION OF TIME GRANTED | Nov 13, 2012 | |
| 24 | STIPULATION FOR AN EXTENSION OF TIME | Dec 13, 2012 | |
| 25 | EXTENSION OF TIME GRANTED | Dec 13, 2012 | |
| 26 | STIPULATION FOR AN EXTENSION OF TIME | Jan 17, 2013 | |
| 27 | EXTENSION OF TIME GRANTED | Jan 17, 2013 | |
| 28 | STIPULATION FOR AN EXTENSION OF TIME | Feb 14, 2013 | |
| 29 | EXTENSION OF TIME GRANTED | Feb 14, 2013 | |
| 30 | STIP FOR EXT | Mar 18, 2013 | |
| 31 | EXTENSION OF TIME GRANTED | Mar 18, 2013 | |
| 32 | D MOT FOR EXT W/ CONSENT | Apr 18, 2013 | |
| 33 | EXTENSION OF TIME GRANTED | Apr 18, 2013 | |
| 34 | D MOT FOR EXT W/ CONSENT | May 16, 2013 | |
| 35 | EXTENSION OF TIME GRANTED | May 17, 2013 | |
| 36 | D MOT FOR EXT W/ CONSENT | Jun 14, 2013 | |
| 37 | EXTENSION OF TIME GRANTED | Jun 14, 2013 | |

| | | | |
|----|--|--------------|--------------|
| 38 | D MOT FOR EXT W/ CONSENT | Jul 15, 2013 | |
| 39 | EXTENSION OF TIME GRANTED | Jul 17, 2013 | |
| 40 | D MOT FOR EXT W/ CONSENT | Aug 15, 2013 | |
| 41 | TRIAL DATES REMAIN AS SET | Aug 26, 2013 | |
| 42 | D MOT FOR EXT W/ CONSENT | Aug 28, 2013 | |
| 43 | STIP TO EXTEND TRIAL DATES DENIED; PROCEEDINGS SUSPENDED FOR SETTLEMENT | Sep 03, 2013 | |
| 44 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Oct 24, 2013 | |
| 45 | SUSPENDED | Oct 31, 2013 | |
| 46 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Nov 27, 2013 | |
| 47 | TRIAL DATES REMAIN AS SET | Dec 04, 2013 | |
| 48 | BOARD'S 12/4/13 ORDER VACATED; PROCEEDINGS SUSPENDED FOR SETTLEMENT | Dec 06, 2013 | |
| 49 | P MOT FOR EXT W/ CONSENT | Jan 17, 2014 | |
| 50 | EXTENSION OF TIME GRANTED | Jan 21, 2014 | |
| 51 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Feb 21, 2014 | |
| 52 | STIP TO SUPS FOR SETTLEMENT DENIED; TRIAL DATES REMAIN AS RESET BY BOARD ORDER DATED 1/21/2014 | Feb 24, 2014 | |
| 53 | P MOT FOR EXT W/ CONSENT | Feb 28, 2014 | |
| 54 | EXTENSION OF TIME GRANTED | Mar 13, 2014 | |
| 55 | STIP FOR EXT | Apr 03, 2014 | |
| 56 | EXTENSION OF TIME GRANTED | Apr 09, 2014 | |
| 57 | STIP FOR EXT | May 02, 2014 | |
| 58 | EXTENSION OF TIME GRANTED | May 12, 2014 | |
| 59 | STIP FOR EXT | Jul 02, 2014 | |
| 60 | EXTENSION OF TIME GRANTED | Jul 22, 2014 | |
| 61 | STIP FOR EXT | Aug 27, 2014 | |
| 62 | EXTENSION OF TIME GRANTED | Aug 28, 2014 | |
| 63 | STIP FOR EXT | Oct 01, 2014 | |
| 64 | EXTENSION OF TIME GRANTED | Oct 07, 2014 | |
| 65 | STIP FOR EXT | Oct 31, 2014 | |
| 66 | EXTENSION OF TIME GRANTED | Nov 04, 2014 | |
| 67 | STIP FOR EXT | Dec 01, 2014 | |
| 68 | EXTENSION OF TIME GRANTED | Dec 05, 2014 | |
| 69 | STIP FOR EXT | Jan 12, 2015 | |
| 70 | EXTENSION OF TIME GRANTED | Jan 15, 2015 | |
| 71 | JOINT STIP TO SUBMIT EXPERT REPORT OF GERMAIN | Mar 02, 2015 | |
| 72 | W/DRAW OF APPLICATION | Apr 16, 2015 | |
| 73 | RESPONSE DUE 30 DAYS (DUE DATE) | Apr 29, 2015 | May 29, 2015 |
| 74 | D MOT FOR EXT W/O CONSENT | May 28, 2015 | |
| 75 | EXTENSION OF TIME GRANTED | Jun 23, 2015 | |
| 76 | D MOT FOR EXT W/O CONSENT | Jun 26, 2015 | |
| 77 | D MOT FOR EXT W/O CONSENT | Jun 30, 2015 | |
| 78 | D MOT FOR EXT W/O CONSENT | Jun 30, 2015 | |
| 79 | D MOT FOR EXT W/O CONSENT | Jul 24, 2015 | |
| 80 | RESPONSE DUE | Aug 21, 2015 | |
| 81 | D MOT FOR EXT W/O CONSENT | Aug 28, 2015 | |
| 82 | EXTENSION OF TIME GRANTED | Sep 22, 2015 | |
| 83 | W/DRAW OF APPLICATION | Oct 13, 2015 | |
| 84 | BD DECISION: SUSTAINED | Oct 20, 2015 | |
| 85 | TERMINATED | Oct 20, 2015 | |

Type of Proceeding: Opposition

Proceeding Number: [91210472](#)

Filing Date: May 01, 2013

Status: Terminated

Status Date: Jul 24, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant**Name:** Wellness Revolution International LLC**Correspondent Address:** XAVIER MORALES
LAW OFFICE OF XAVIER MORALES
PO BOX 48617
LOS ANGELES CA , 90048-0617
UNITED STATES**Correspondent e-mail:** XM@SECUREYOURTRADEMARK.COM**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---------------|---|--------------------------|---------------------|
| KREBS BIO KIT | Abandoned - After Inter-Partes Decision | 85686903 | |

Plaintiff(s)**Name:** Innovation Ventures, LLC**Correspondent Address:** PAUL R HOFFER
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE
FARMINGTON HILLS MI , 48331
UNITED STATES**Correspondent e-mail:** phoffer@oaklandlawgroup.com , rbondra@oaklandlawgroup.com**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|--------------------------------|--|--------------------------|-------------------------|
| 5-HOUR ENERGY ENERGY HOUR 5 | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007217 | 3876771 |
| | Registered | 85124847 | 3940928 |
| | Registered | 85125017 | 3940929 |
| | Registered | 85131851 | 3940946 |
| | Section 8 and 15 - Accepted and Acknowledged | 85007326 | 3876785 |
| | Registered | 85255911 | 4134079 |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|--|--------------|--------------|
| 1 | FILED AND FEE | May 01, 2013 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | May 01, 2013 | Jun 10, 2013 |
| 3 | PENDING, INSTITUTED | May 01, 2013 | |
| 4 | P MOT FOR DEFAULT JUDGMENT | Jun 11, 2013 | |
| 5 | BD DECISION: SUSTAINED | Jul 24, 2013 | |
| 6 | TERMINATED | Jul 24, 2013 | |

Type of Proceeding: Opposition**Proceeding Number:** [91200908](#)**Filing Date:** Jul 27, 2011**Status:** Terminated**Status Date:** Oct 07, 2011**Interlocutory Attorney:** YONG OH (RICHARD) KIM**Defendant****Name:** 2 Health LLC.**Correspondent Address:** 2 HEALTH LLC
1249 WASHINGTON STREET
ROCHESTER PA , 15074
UNITED STATES**Correspondent e-mail:** ryanervin504@gmail.com**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---------------------|---|--------------------------|---------------------|
| DEFENDER ENERGY BAR | Abandoned - After Inter-Partes Decision | 85154553 | |

Plaintiff(s)**Name:** Innovation Ventures, LLC**Correspondent Address:** ROBERT BONDRA
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE
FARMINGTON HILLS MI , 48331
UNITED STATES**Correspondent e-mail:** rbondra@oaklandlawgroup.com , dmejia@oaklandlawgroup.com**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|------|--|--------------------------|-------------------------|
| | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|--|--------------|--------------|
| 1 | FILED AND FEE | Jul 27, 2011 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jul 28, 2011 | Sep 06, 2011 |
| 3 | PENDING, INSTITUTED | Jul 28, 2011 | |
| 4 | WITHDRAWAL OF APPLICATION | Aug 15, 2011 | |
| 5 | BOARD'S DECISION: SUSTAINED | Oct 07, 2011 | |
| 6 | TERMINATED | Oct 07, 2011 | |

Type of Proceeding: Opposition**Proceeding Number:** [91200669](#)**Filing Date:** Jul 13, 2011**Status:** Terminated**Status Date:** Oct 04, 2011**Interlocutory Attorney:** CHERYL S GOODMAN**Defendant****Name:** SOKOE Holdings, Inc.**Correspondent Address:** SOKOE HOLDINGS INC
PO BOX 13063
TEMPE AZ , 85284-0052
UNITED STATES**Correspondent e-mail:** ben@sokoe.com**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---------------|---|--------------------------|---------------------|
| AMERICAN LIFE | Abandoned - After Inter-Partes Decision | 85144761 | |

Plaintiff(s)**Name:** Innovation Ventures, LLC**Correspondent Address:** ROBERT A BONDRA
OAKLAND LAW GROUP PLLC
38955 HILLS TECH DRIVE
FARMINGTON HILLS MI , 48331
UNITED STATES**Correspondent e-mail:** rbondra@oaklandlawgroup.com**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|------|--|--------------------------|-------------------------|
| | Section 8 and 15 - Accepted and Acknowledged | 77643731 | 3698044 |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|--|--------------|--------------|
| 1 | FILED AND FEE | Jul 13, 2011 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jul 13, 2011 | Aug 22, 2011 |
| 3 | PENDING, INSTITUTED | Jul 13, 2011 | |
| 4 | P'S MOTION FOR DEFAULT JUDGEMENT | Aug 25, 2011 | |
| 5 | BOARD'S DECISION: SUSTAINED | Oct 04, 2011 | |

United States of America

United States Patent and Trademark Office



Reg. No. 3,698,044 INNOVATION VENTURES, LLC (MICHIGAN LIMITED LIABILITY COMPANY)
Registered Oct. 20, 2009 38955 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331

Int. Cls.: 5 and 32 FOR: DIETARY SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.
PRINCIPAL REGISTER FOR: ENERGY SHOTS, NAMELY, ENERGY DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

THE MARK CONSISTS OF A RUNNING MAN DESIGN.

SER. NO. 77-643,731, FILED 1-6-2009.

TRACY CROSS, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office